

CAPITOL HILL RESTORATION SOCIETY

P.O. BOX 15264 • WASHINGTON, DC 20003-0264 • 202-543-0425

www.chrs.org • info@chrs.org

June 10, 2013

Sara Benjamin Bardin
Director of the Office of Zoning
Suite 210
441 4th Street, NW
Washington, DC 20001

RE: BZA #18566

Dear Director Bardin,

The Capitol Hill Restoration Society Zoning Committee at a meeting held on May 9, 2013 considered the above case. This case involves the application of Chris French and Anya Landau French for a variance from the floor area ratio requirements, a variance from the lot occupancy requirements, a variance from the rear yard requirements, and a variance from the nonconforming structure requirements to allow a third floor addition to an existing one-family row dwelling in the R-5-B zone at 929 5th Street, S.E. (Square 824, Lot 31). On May 28 the applicants amended their application because they eliminated a two floor extension on the second and third floors. Attached you will find an extract from the zoning map showing square 824 lot 31 (the subject property). I have also marked lots 24 through 33 which are similar or identical properties.

The applicant seeks variances to increase the FAR from 1.4 to 1.8. The current zoning allows a FAR of 1.5. A variance is also needed for the existing building because it is substantially nonconforming.

For the BZA to grant variances the applicant must show an exceptional condition or uniqueness of the property, practical difficulties in complying with the zoning regulations arising out of the uniqueness, and no detriment to the public good or impairment of the zone plan. The applicant has failed to prove all of these tests.

The property has no exception condition or uniqueness because as shown by the attached zoning map and the photos filed by the applicant, there 10 contiguous properties on 5th Street that are identical in lot size, lot occupancy, and improvements. There are at least 10 properties that are like the subject property and would also "qualify" for the same variances. The application must fail on this alone.

The applicant bought the property knowing the limitation and as a practical matter, the applicant has no difficulty in complying in all ways with the zoning regulations, and can put the property to sufficient use without the variances. Clearly 9 other identical

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BOARD OF ZONING ADJUSTMENT
District of Columbia

Board of Zoning Adjustment
District of Columbia

CASE NO. 18566

EXHIBIT NO. 30

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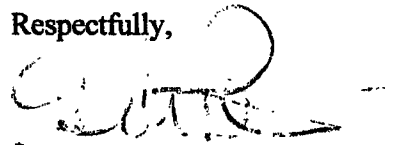
EXHIBIT NO. 30

properties are being used consistent with the zoning. It must also be noted that as part of the development of this area, these 10 properties were allowed to remain as an example of what was originally in the neighborhood. When these homes were built this was a predominantly African American neighborhood surrounding the Navy Yard. It was believed that the R5B zone would protect these homes.

The CHRS Zoning Committee believes that granting this application would undermine the R5B zoning. Imagine if all the properties in the subject square were allowed to have a 1.8 FAR.

Finally, the CHRS Zoning Committee voted unanimously to oppose the application and for all of these reasons, we urge the Board to deny the application.

Respectfully,

A handwritten signature in black ink, appearing to read "G. Peterson", with a large, stylized loop at the end.

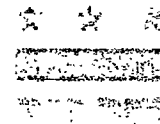
Gary M. Peterson, Chair
Capitol Hill Restoration Society
Zoning Committee

District of Columbia Office of Zoning

DCOZ

EXTRACT OF THE DISTRICT OF COLUMBIA ZONING MAP

June 10, 2013



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SQ. 824

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5TH ST



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<http://dco.dc.gov/DC/OZ/Maps+and+Apps/Geospatial+District>

Zoning Layers

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|--------------------|---------------------------|--------------|-----------------|
| Zone Districts | Overlays Districts | TDRs | Air Rights Zone |
| Pending Zones | Pending Overlay Districts | Pending FUDs | Bisist Index |
| Historic Districts | Campus Plans | Active FUDs | CEA |

To certify zoning on any property in order to satisfy a legal requirement, contact the Office of Zoning at (202) 727-6311.